

# Exhibit B

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AND AFFILIATED PARTNERSHIPS

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August 21, 2015

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: In re: General Motors LLC Ignition Switch Litigation,  
14-MD-2543 (JMF)**

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § IV.B, counsel for General Motors LLC ("New GM") and Lead Counsel – having met and conferred with each other as well as with counsel for the other Defendants – submit this joint letter setting forth the parties' tentative agenda for the August 28, 2015 Status Conference. The parties believe that the Court does not need to allot more than three hours for the Status Conference.

**1. Status of Bankruptcy Proceedings.**

On June 1, 2015, Judge Gerber entered: (i) a Judgment ("Judgment") related to the Bankruptcy Court's April 15, 2015 Decision on Motion to Enforce Sale Order; and (ii) an Order certifying the Judgment for Direct Appeal to Second Circuit ("Certification Order"). The *Bledsoe* Plaintiffs, represented by Mr. Peller, moved for reconsideration of the Judgment, which was denied by the Bankruptcy Court on July 22, 2015. Notices of Appeal, Statements of Issues, and Designation of Records with respect to the Judgment have been filed with the Bankruptcy Court. In addition, a petition and cross-petitions have been filed with the Court of Appeals for the Second Circuit, which seek a direct appeal of the Judgment (and related orders) to that Court. At this time, the petition and cross-petitions are fully briefed, there are no longer any objections to a direct appeal of the Judgment, and the matter is *sub judice* before the Second Circuit. Pursuant to the terms of the Certification Order, all other matters with respect to the appeal of the Judgment are stayed pending a decision by the Second Circuit of the request for a direct appeal of the Judgment.

In addition, pursuant to the terms of the Judgment, parties that have commenced or will commence lawsuits against New GM that are affected by the Judgment were required to file

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certain pleadings with the Bankruptcy Court (within certain specific time periods) if they believed that they had a good faith basis to maintain that their lawsuits should not be stayed, or that allegations, claims or causes of action contained in such lawsuits against New GM should not be stricken. Certain plaintiffs, including the Ignition Switch Plaintiffs, Non-Ignition Switch Plaintiffs and the States of California and Arizona, have filed No Stay/No Strike/No Dismissal/GUC Trust Asset Pleadings (each as defined in the Judgment) with the Bankruptcy Court. These pleadings, including a No-Strike Pleading that addresses the Second Amended Consolidated Complaint, are fully briefed. Judge Gerber entered a case management order on August 19, 2015, which asked the parties, among other things, to advise him by August 26, 2015 whether/when additional submissions will be provided. The parties are meeting and conferring to see whether a joint position can be presented to the Bankruptcy Court.

As noted in the previous conference agenda letter, on June 3, 2015, Wilmington Trust Company, as GUC Trust Administrator and Trustee, filed a motion, *inter alia*, to exercise New GM warrants and liquidate stock. The Ignition Switch Plaintiffs did not object to the sale of the warrants and stock but are challenging the GUC Trust's right to make further distributions to GUC Trust beneficiaries. The Bankruptcy Court hearing on the requested stay of further distributions is scheduled for September 22, 2015.

### **2. Coordination in Related Actions.**

The parties will be prepared to address their ongoing coordination efforts in Related Actions (*see* Order No. 15, Doc. No. 315).

### **3. New GM's Document Productions.**

New GM continues to comply with its rolling production obligations and deadlines set forth in the Court's orders. To date, New GM has produced into the MDL 2543 Document Depository more than 1.7 million documents (totaling over 12.5 million pages).

### **4. Fact Witness Deposition Update.**

To date, the parties have conducted 219 depositions, including 178 depositions of Category 3-6 witnesses (case-specific witnesses, *see* Order No. 43, Doc. No. 744) and 41 depositions of Category 1 witnesses (current or former General Motors employees, *see id.*) and dates for the depositions of an additional 39 Category 1 witnesses have been confirmed.

Pursuant to the Court's August 11, 2015 Memorandum Opinion and Order, the parties will raise any disputes regarding the permissible scope of the deposition of New GM's outside counsel, Anton Valukas, by Tuesday, August 25, 2015.

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The parties will also be prepared to propose a briefing schedule regarding the parties' dispute with respect to two Category 1 witnesses whose depositions Plaintiffs have requested.

### **5. Bellwether Expert Discovery Update.**

The parties are working through scheduling issues related to the depositions of Plaintiffs' experts and hope to propose an agreed upon solution to the Court early next week. To the extent the parties cannot reach agreement, the parties propose submitting competing letter briefs (not to exceed three single-spaced pages) by Tuesday, August 25, at noon EDT.

### **6. Bellwether Complaint Motion Practice.**

The parties will be prepared to discuss a schedule for motion practice with respect to the individual bellwether complaints.

### **7. Bellwether Trial Motions *in Limine*, *Daubert* Motions, and Pre-Trial Order.**

The parties would like to discuss with the Court additional procedures regarding, and an amended schedule for, motions *in limine*, *Daubert* motions, witness lists, exhibit lists, demonstratives, jury instructions, voir dire, and other issues to be covered in the pre-trial order for MDL Bellwether Trial No. 1. The parties' current plan is to shortly present to the Court a proposal for an amended schedule for the Court's consideration.

### **8. Deadlines and Scheduling for Remaining Bellwether Early Trial Cases.**

The parties will be prepared to discuss pre-trial deadlines and scheduling for the remaining Early Trial Cases. (*See* 07/28/2015 and 08/07/2015 Memo Endorsements, Doc. Nos. 1217 and 1239, respectively.)

### **9. Plaintiffs' Motion to Compel Documents from New GM and King & Spalding LLP.**

On August 14, 2015, Plaintiffs filed their reply in support of their motion to compel production of documents from New GM and King & Spalding LLP. New GM and King & Spalding have requested permission to file sur-reply briefs of no more than 10 pages each by September 4, 2015. (Doc. No. 1263.) Lead Counsel do not oppose this request.

### **10. Phase Three Discovery Plan.**

Consistent with Order No. 31 (Doc. No. 526), the parties plan to meet and confer

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regarding a proposed Phase Three Discovery Plan and hope to have an agreed upon order in place before the end of October. The parties will be prepared at the Status Conference to discuss a proposed deadline for submitting an agreed upon proposed order or competing letter briefs.

### **11. Privilege Challenges.**

Plaintiffs anticipate that they will soon raise to the Court the parties' disputes regarding documents withheld by New GM on the basis of privilege. The parties plan to meet and confer to discuss a proposal for most efficiently resolving these issues and asking the Court for assistance if necessary.

### **12. Settlement.**

The parties continue to discuss possible resolution mechanisms.

Respectfully submitted,

Richard C. Godfrey, P.C.  
Andrew B. Bloomer, P.C.

*Counsel for Defendant General Motors LLC*

cc: The Honorable Robert E. Gerber  
MDL Counsel of Record